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Attorney for Petitioner Dung The Pham

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DUNG THE PHAM

Petitioner,

vs.

C.A. TERHUNE,

Respondent.

C 02-1348 PJH

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME TO
CONDUCT ANALYSIS OF
GUNSHOT RESIDUE SAMPLES**

STIPULATION

Petitioner Dung The Pham, by and through his counsel Edward W. Swanson, and Respondent, by and through his counsel Deputy Attorney General Glenn R. Pruden, hereby agree and stipulate as follows:

1. On July 17, 2006, the Court ordered the State to provide gunshot residue samples to Petitioner within 30 days and Petitioner to have the samples analyzed within 60 days. *See* Docket No. 72.

2. Due to difficulties in retrieving the samples from custody of the California Superior Court for the County of Santa Clara, Petitioner's expert will not receive the samples until September 13, 2006, only two (2) days before the Court's deadline for completing the analysis.

3. Petitioner's expert has informed Petitioner's counsel that it will take two (2)

1 weeks from the time the samples are received to complete the analysis of the samples.

2 4. In light of the foregoing, the parties request that the time for completing
3 Petitioner's analysis of the samples be extended by 14 days, to September 29, 2006.

4 5. The parties further request that the remaining deadlines under the Court's Order of
5 July 17, 2006, remain unchanged, to wit: Petitioner will provide the State with raw data and
6 laboratory notes, and will inform the Court in writing that testing has been completed, within 10
7 days of test completion; Petitioner will file a supplemental brief within 30 days of test
8 completion; the State will file its opposition no later than 30 days after Petitioner's brief is filed;
9 and Petitioner will file a reply no later than 7 days after the State's opposition is filed.

10 IT IS SO STIPULATED.

11
12 Dated: September 12, 2006

/s/
Edward W. Swanson
Swanson, McNamara & Haller LLP
Attorneys for DUNG THE PHAM

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14
15 Dated: September 12, 2006

/s/
Glenn R. Pruden
Deputy Attorney General
Attorney for Respondent

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17
18 **ORDER**

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20
21 Dated: 9/14/06

22 _____
The Honorable
United States District Judge

